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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,256	11/14/2003	Jacques Vincent	144-214 CT1 (35619-191315)	3617
23973	7590	02/09/2006	EXAMINER	
DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996			LANDRUM, EDWARD F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/714,256

Applicant(s)

VINCENT, JACQUES

Examiner

Edward F. Landrum

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/14/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: Terminology is used which does not accurately claim the invention. It is suggested the word "parallel" on line 10 of claim 1 be changed to --oblique--; it is suggested the phrase "an obliquely inclined hole" on line 13 and on line 16 of claim 1 be changed to -- an inclined hole oblique to the cutting plane--.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al (U.S Design Patent No. 399,711), hereinafter Cohen, in view of Lutzker (U.S Design Patent No. 268,318) or Clare et al (U.S Patent No. 4,216,917), hereinafter Clare.

Cohen teaches (see Figures 1-8) a food cutter with a cutting blade fitted transversely facing a slot through which food is sliced and having two side rails to provide guidance for to and from motion of a food holder. The holder comprising a hollow vegetable receiving portion and a cap surrounding the vegetable receiving portion, the cap having a central opening through which a rod passes through, the rod

being capable of reciprocal movement. The rod is used to apply pressure to the food being sliced.

Cohen teaches all of the elements of the current invention as stated above except for the end of the rod that touches the food being having a larger cross-section than the rest of the rod, and the rod not being allowed to rotate relative to the cap or the guide rails.

Lutzker teaches (see Figure 4-11) a pushing device having a rod with the base of the rod base having a larger cross-section than the rod itself. Furthermore the rod is unable to rotate relative to anything because it has a non-circular shape.

Clare teaches (Col. 3, lines 50-61; also see Figures 1 and 2) an ovular shaped feed tube and therefore an ovular shaped pushing mechanism. Furthermore, the pushing mechanism has a rib (62) that fits in a slot (38) within the tube. The purpose of the ovular shape being to not allow the pushing member to spin while the device is cutting, therefore making the pusher easier to hold and handle.

It would have been obvious to have modified Cohen to incorporate the teachings of Lutzker or Clare to provide a slicing mechanism that not only pushes food by as much surface area as possible, but also is easier to hold and use because the rod does not spin while in use.

***Allowable Subject Matter***

3. Claims 1-9 are considered allowable over the prior art.

The following is an examiner's statement of reasons for allowance:

4. Claim 1 is allowable for defining a slicing unit comprising a ramp having two side flanges each having an inclined hole oblique to the cutting plane for adjustably engaging a projection from a guide rail, and an opening for receiving a locking screw, and the guide rails each having an obliquely inclined hole for receiving the locking screw.

Kim (U.S Patent No. 5,765,472) teaches the basic structure of a slicing unit with a ramp capable of being adjusted by use of two oblique holes, both holes being found in the railings of the slicing unit. The ramp is clamped down by a tightening screw attached to the second of two projections on the ramp that engage the oblique holes found in the railings.

Scott et al (U.S Patent No. 3,543,400) teaches a cutting unit that is adjustable based on two oblique grooves found in the ramp unit, both grooves being tightened down by a clamping screw.

While Kim and Scott et al are considered combinable, it would have been hindsight to provide the basic structure of a slicing unit with a ramp adjustable by use of obliquely inclined holes, and modify the structure by changing one of the sets of holes to receive a clamping unit as well as locate one set of grooves within the ramp with a projection from the railing fitting inside said groove.

Claims 2-9 are dependent upon claim 1 and are therefore allowable.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Cupper et al (U.S Patent No. 2,715,927), and Sobey (U.S Patent No. 564,656) teach rods with bases that have a cross-section as wide as the food holder allows.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL  
1/24/2006



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